IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.98 OF 2006
WITH
CIVIL APPLICATION NO.112 OF 2006

Mr.Kalikaprasad Soni. ..Appellant.

V/s.

The Mumbai Metropolitan Region Development Authority. ..Respondent.

Ms.S.A.Musle for Mr.Vinay J. Hegde for appellant.

Ms. Kiran Bagalia for respondents.

CORAM: A.M.KHANWILKAR,J

DATE : MARCH 12, 2007.

P.C. :

1. Heard counsel for the parties. Perused the reply affidavit filed on behalf of the respondent.

2. I find substance in the argument of the respondent that if any ad-interim order was to be granted that will cause serious prejudice to the Public interest as the structure in question Shop No.2 whose description is given as Structure No.52 in the proceeding before the Deputy Collector is affecting road widening project and occupant of that structure has been held to be ineligible from any protection from the Deputy Collector. The order of

the Deputy Collector is not challenged by the said occupant/plaintiff nor the Deputy Collector has been made party to the present proceeding. Thus I find no reason to depart from the ultimate conclusion reached by the trial Court in not continuing the ad-interim order in favour of the appellant though for the reasons recorded in this order. Hence, appeal should fail. Hence dismissed.

3. Civil application disposed of accordingly.